

**Administration** – in general terms, the process of collecting the assets, paying the debts and distributing the balance of the estate according to the will of a deceased person or the intestacy rules.

**Administrator** – a person appointed by the court by a grant of letters of administration to administer the estate.

**Annexure** – is a document that is referred to in your affidavit and attached to the affidavit as proof of having completed or performed a required task or of an event having occurred.

**Asset** – is any property that was owned by the deceased at the time of death and may include real property, bank accounts, life insurance, shareholdings, motor vehicles and personal property such as furniture and jewellery.

**Beneficiary** – a person entitled to a share of a deceased estate according to a will or the intestacy rules.

**Caveat** – a formal notice filed with the Court that suspends a proceeding for a prescribed period of time.

**De bonis non** - when an administrator is appointed to succeed another who has left the estate partially unsettled, the administrator is said to be granted "administration de bonis non," that is, of the goods not already administered.

**Deponent** - a person making a deposition, (such as an affidavit) under oath or affirmation.

**Estate** – the property of a person, comprising both real estate (land, other than leasehold land) and personal estate (good, money etc).

**Executor (male) / Executrix (female)** – a person appointed by will to administer an estate.

**Exemplification** – an official copy of a document made under the seal of a court which 'contains an exact copy of the will (if any), and a copy of the grant'.

**Family provision** – provision from a deceased person's estate, made by way of court order, for the proper maintenance and support of the deceased's family or dependents.

**Grant** – an appointment or authorisation by the court officially recognising the right of an executor or administrator to administer an estate.

**Intestate** – (1) a person dying without a will or a valid will or (2) the state of being without a will or a valid will, in whole or in part, or of having a will that fails to dispose of the whole of the person's estate.

**Jurisdiction** – (1) the scope of the court's power to examine and determine the facts, interpret and apply the law, make orders and declare judgment; (2) a particular legal system with its own court system; for example, each State and Territory of Australia may each be referred to as 'a jurisdiction'.

**Letters of Administration** – a grant by the court authorising an administrator to administer the estate.

**Liability** – any payment that needs to be made from the deceased's estate, such as unpaid bills and debts.

**Next of kin** – for the purposes of probate and administration, section 6 of the *Administration and Probate Act 1969 (NT)* defines next of kin, in relation to a deceased person, to mean "those persons, other than a spouse or de facto partner of the deceased person, who would be entitled to take an interest in the estate of the deceased person if he or she had died intestate".

**Authorised witness** – for the purpose of properly executing an affidavit, section 15 of the *Oaths, Affidavits and Declarations Act 2010 (NT)*, defines an authorised witness as follows:

- (1) An affidavit made at a place in the Territory must be witnessed by one of the following: (a) a justice of the peace; (b) a commissioner for oaths; (c) any other person authorised by an Act to witness the affidavit.
- (2) An affidavit made at a place outside the Territory must be witnessed by one of the following: (a) a person who has authority under the law of the place: (i) to administer an oath, take an affirmation or carry out a comparable process; or (ii) to witness the making of an affidavit or comparable document; (b) a consular official who is performing official functions at the place; (c) if the person making the affidavit is a member of the Australia Defence Force – a defence force officer; (d) any other person authorised by an Act to witness the affidavit.

**Registrar** – is a person appointed under section 48 of the *Supreme Court Act 1979*. For the purposes of probate and administration, the Registrar exercises the powers vested in him or her by the *Administration and Probate Act 1969 (NT)* and Order 88.05 of the *Supreme Court Rules 1987*, which includes making a grant of representation.

**Renunciation** – the act of giving up the right to act as executor appointed under the will of a deceased person.

**Reseal** – refers to the act of applying to a court of competent jurisdiction (such as the Supreme Court of the Northern Territory) to recognise a grant of representation made by another court of competent jurisdiction (such as the Supreme Court of South Australia) by way of affixing the seal of that court.

**Testator** – a person who makes a will.

**Will** – formal document/s made by a testator disposing of his or her property on death and normally appointing an executor to administer the estate.